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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,272	01/20/2004	Chuan-Kung Hou	320528568US	6843
25/996 7590 02/06/2009 PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247				
EXAMINER				
WANG, KIENT F				
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2622				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/759,272

**Applicant(s)**

HOU, CHUAN-KUNG

**Examiner**

KENT WANG

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-24, 27, 28, 30, 32-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 21-24, 32-35, and 38 is/are allowed.
- 6) ☐ Claim(s) 27, 28, 30 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/17/2008 has been entered.

#### ***Response to Amendment***

2. The amendments, filed on 12/17/2008, have been entered and made of record. Claims 1, 13, 15 and 17 have been amended. Claims 21-24, 27-28, 30, 32-35 and 37-38 are pending.

#### ***Response to Argument***

3. Applicant's arguments with respect to independent claims 21-24, 32-35 and 38 have been considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, the arguments with respect to 27-28, 30 and 37 have also been considered but are moot in view of the interpretation of the original cited references.

In response to applicant's argument that the references fail to show "the apparatus is configured to be fixedly positioned and not rotatable in the portable electronic device", it is noted that the reference upon which applicant asserts (i.e. "The video camera 72 includes a camera body 74 and a camera head 76, and the camera head 76 includes a rotatable part 90")

are not recited in the rejected claim(s). It is further noted that the features upon which applicant relies in claim 27 states as “the apparatus is configured to be fixedly positioned and not rotatable in the portable electronic device.” Shimizu discloses the apparatus is configured to be fixedly attached to the top of the screen 14 of a personal computer. The applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, applicant's arguments are not persuasive.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 27-28, 30 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US 7,269,442) in view of Lee (US 2004/0097258), and further in view of Shimizu (US 2002/0158987).

Regarding claim 27, Sato discloses an apparatus for use with a portable electronic device (a portable telephone with a camera, Fig 1), the apparatus comprising:

- a body (a hinge portion 3, Fig 1) having an exterior surface, an opening in the exterior surface (first rotating portion 51, Fig 1), and an interior region(3:3 to 4:50 and 5:45-51); and
- at least one image-capturing element (first rotating portion 51, Fig 1) in the interior region and proximate to the opening, wherein the at least one image-

capturing element is configured to be operably coupled to the portable electronic device (5:20-29).

Sato does not teach the video/audio combo device adopted to comprise a sound-generating element within the generally hollow interior portion and proximate to the at least one audio port and a resonant space for sounds generated by the sound-generating element. However, Lee teaches a video/audio combo device has a sound-generating element (a pair of side speakers S1 and S2, Fig 8) within the generally hollow interior portion (a center hinge arm 26, Fig 2) and proximate to the at least one audio port (side hinge arms 15a and 15b, Fig 2), wherein the sound-generating element (S1, S2) is configured to receive audio signals from the portable electronic device (a portable terminal) and generate sounds corresponding to the audio signals ([0034]-[0035]); Lee further teaches a generally hollow interior portion (26) is positioned as a resonant space for sounds generated by the sound-generating element (S1, S2) (resonance block 115 partitions the empty space 113 between the speakers S1 and S2 to provide two separate isolated resonant space from interfering each other ([0047]-[0049])).

Here, although Sato does not teach the video/audio combo device adopted to comprise a sound-generating element within the generally hollow interior portion, it is noted that when modify the camera to incorporate a portable terminal capable of providing stereo sound as suggested by Lee, one skilled in the art would recognize the need of mounting these speakers in the first rotating member in order to receive audio signals from the portable electronic device and generate sounds corresponding to the audio signals. Therefore, it would have been obvious to one of ordinary skill in the art at the time this invention was made to have using a

pair of speakers as taught by Lee as modified by Sato so that it makes possible to have a sound-generating element in the generally hollow interior portion as claimed, so that a barrier disposed behind the side speakers to prevent sound emitted from the side speakers from interfering with each other and a user can enjoy stereo sound while shooting a picture ([0015], Lee).

Sato and Lee do not teach the apparatus is configured to be fixedly positioned and not rotatable in the portable electronic device. However, Shimizu discloses the apparatus is configured to be fixedly positioned and not rotatable in the portable electronic device (the video camera 72 can be fixedly attached to the top of the screen 14 of a personal computer, Fig 8) ([0056], Shimizu).

It would have been obvious to one of ordinary skill in the art at the time this invention was made to have used video camera as taught by Shimizu as modified by Sato and Lee so that it makes possible to adjust the exposure of the video camera 72 to an optimal level ([0057], Shimizu).

Regarding claim 28, Sato does teach the body (the hinge portion 3, Fig 1) includes a first portion having an interior region (first rotating portion 51, Fig 1) and a second portion (second rotating portion 52, Fig 1) configured to be attached to the first portion, the first and second portions (51, 52) forming the interior region of the body (3) (3:65-4:50). Sato does not teach the interior region of the body that provides the resonant space.

Lee teaches a generally hollow interior portion (26) is positioned as a resonant space for sounds generated by the sound-generating element (S1, S2) (resonance block 115 partitions

the empty space 113 between the speakers S1 and S2 to provide two separate isolated resonant space from interfering each other ([0047]-[0049]).

It would have been obvious to one of ordinary skill in the art at the time this invention was made to have using a pair of speakers as taught by Lee as modified by Sato so that it makes possible to have a sound-generating element in the generally hollow interior portion as claimed, so that a barrier disposed behind the side speakers to prevent sound emitted from the side speakers from interfering with each other and a user can enjoy stereo sound while shooting a picture ([0015], Lee).

Regarding claims 30 and 37, these claims recite same limitations as claim 27. Thus they are analyzed and rejected as previously discussed with respect to claim 27 above.

#### ***Allowable Subject Matter***

6. Claims 21-24, 32-35 and 38 are allowed.

#### ***Inquiries***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan V Ho/  
Primary Examiner, Art Unit 2622

KW  
3 February 2009